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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,605	02/19/2002	Jun Fujimoto	401578	2306
23548	7590	09/26/2006		
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER SHAPIRO, JEFFERY A	
			ART UNIT 3653	PAPER NUMBER

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/076,605	FUJIMOTO, JUN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey A. Shapiro	3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 4/6/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16-22 and 38-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, MPEP, section 2173.05(p) states, "A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph." *Id.*

Independent Claims 16 and 38 recite "said portable safe being transportable **by a person** between said game-related device and said currency control device." It appears from the manner in which this passage is written, that a method step of using an apparatus requiring a human being is recited. Other limitations within the body of the same claim suggest that an apparatus directed towards a "portable safe" is recited. Since Claims 16 and 38 and their dependents claim both an apparatus and the method steps of using the apparatus, these claims are indefinite.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 1-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In particular, Claims 16-22 and 38-48 are directed to neither a "process" nor a "machine", but rather embrace or overlap two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. See MPEP, section 2173.05(p). In particular, Claims 16 and 38 recite both a process and a machine.

4. Claims 1-48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent Claims 1, 16, 23 and 38 recite "said portable safe being transportable **by a person** between said game-related device and said currency control device." It appears from the manner in which this passage is written, that a human being is required as an integral limitation of the independent claims.

Specifically, a claim directed to or including within its scope a human being will not be considered to be patentable subject matter under 35 USC § 101, *In re Wakefield*, 422 F.2d 897, 165 USPQ 636 (CCPA 1970).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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6. Claims 1-3, 23-25 and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by Fukatsu et al (US 5,804,804).

Fukatsu discloses a portable safe (43) that holds currency for an automated teller machine (ATM) (10a-d), a currency control device (132), wherein said portable safe both transfers currency into said portable safe from said currency control device and transfers currency from said portable safe to said currency control device. Note, for example, that currency control device (132) is described as a receiving/dispersing sorter. Note also that said ATM may be construed as a gaming-related device since it provides money that can be used in the proximity of casino or video game machines, for example. Also, note that the particulars of the gaming related device are not claimed and that Fukatsu's ATMs function in substantially the same way as Applicants' gaming device in that they both handle currency. Fukatsu also discloses a delivery outlet (73a) and a "bill take-in" inlet (73b) in portable safe (43).

Regarding the use of a person to transport the portable safes (43), note that it is considered inherent that a person can remove said safes and transport them along with or instead of robots (34).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-11, 15, 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu in view of Anderson (US 2003/0122673 A1).

Fukatsu discloses the system described above. Fukatsu does not expressly disclose, but Anderson discloses an anomaly detection device (1) that detects an anomaly internal to the portable safe, when said portable safe is unattached as well as a positional anomaly. See Anderson paragraphs 2-5, 11-19, 176, 191-195 and 198. Said anomaly detection device detects anomalies through RFID tag (1) and ICE unit (50), said ICE unit arming a dyepack device. Note also remote control apparatus (22), in the form of an interrogator, which interrogates tag (1), which may also, in the alternative, be construed as the anomaly detection device.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used the anomaly detection device taught by Anderson on Fukatsu's portable safe.

The suggestion/motivation would have been to prevent theft of the valuables inside the portable safe. See Anderson, paragraph 1.

Regarding Claims 4, 10, 11, 26, 27, 28, 30, 32 and 33, Anderson's ICE unit detects position, orientation, connection and impact anomalies. Anderson describes in paragraph 193 that a movement detector is included that detects movement (impact). Anderson at paragraph 198 indicates that the ICE unit "provides location data" (position).

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9. Claims 5, 9 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu in view of Blad et al (US 6,328,149 B1).

Fukatsu discloses the system described above. Fukatsu does not expressly disclose, but Blad discloses an anomaly detection device (44, 46, 50, 68 and 48, 56, 58) that detects a connection and orientation anomaly internal to the portable safe, when said portable safe (43) is unattached from its superstructure (60). See Blad, col. 2, lines 25-35 and figures 3 and 4, for example.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated the connection/orientation detection device taught by Blad in Fukatsu's portable safe.

The suggestion/motivation would have been to prevent theft of the valuables inside the portable safe by sending an appropriate electrical signal.

Note also that in light of Blad at col. 7, lines 40-54, it would have been obvious to cause an alert to be activated upon removal of the receptacle (43).

10. Claims 16 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu in view of Davis et al (US 6,059,090).

Fukatsu discloses the system described above. Fukatsu does not expressly disclose, but Davis discloses a portable safe (100) having first shutter (220) and second shutter (461) closing apertures for receiving coins or bills.

Both Fukatsu and Davis are considered analogous art because they both concern currency handling and currency cassettes.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used Davis' shutter mechanisms to close any aperture/opening in said portable safe when the safe is removed from either an ATM/gaming device or a currency processing device.

The suggestion/motivation would have been to secure said portable safe against theft. See Davis abstract.

11. Claims 18, 21, 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu in view of Davis and further in view of Blad et al (US 6,328,149 B1).

Fukatsu discloses the system described above. Fukatsu does not expressly disclose, but Blad discloses an anomaly detection device (44, 46, 50, 68 and 48, 56, 58) that detects a connection and orientation anomaly internal to the portable safe, when said portable safe (43) is unattached from its superstructure (60). See Blad, col. 2, lines 25-35 and figures 3 and 4, for example.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated the connection/orientation detection device taught by Blad in Fukatsu's portable safe.

The suggestion/motivation would have been to prevent theft of the valuables inside the portable safe by sending an appropriate electrical signal.

Note also that in light of Blad at col. 7, lines 40-54, it would have been obvious to cause an alert to be activated upon removal of the receptacle (43).

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12. Claims 17, 19, 20, 22, 39, 41-42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu in view of Davis et al (US 6,059,090) and further in view of Anderson.

Fukatsu and Davis disclose the system described above. Fukatsu does not expressly disclose, but Anderson discloses an anomaly detection device (1) that detects an anomaly internal to the portable safe, when said portable safe is unattached as well as a positional anomaly. See Anderson paragraphs 2-5, 11-19, 176, 191-195 and 198. Said anomaly detection device detects anomalies through RFID tag (1) and ICE unit (50), said ICE unit arming a dyepack device. Note also remote control apparatus (22), in the form of an interrogator, which interrogates tag (1), which may also, in the alternative, be construed as the anomaly detection device.

Regarding Claims 17, 20, 39, 42 and 44, Anderson's ICE unit detects position, orientation, connection and impact anomalies. Anderson describes in paragraph 193 that a movement detector is included that detects movement (impact). Anderson at paragraph 198 indicates that the ICE unit "provides location data" (position).

Fukatsu and Anderson are all considered to be analogous art because they all concern currency handling and currency cassettes.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used the anomaly detection device taught by Anderson on Fukatsu's portable safe.

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The suggestion/motivation would have been to prevent theft of the valuables inside the portable safe. See Anderson, paragraph 1.

13. Claims 12-14 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu in view of Deaville al (US 5,907,141).

Fukatsu discloses the system described above, Fukatsu does not expressly disclose, but Deaville discloses using an operator code/password disposed on a card (1), which is used to provide an operator with access to a portable cassette (200). See also Deaville, col. 4, lines 1-12 and 23-28. See also Deaville, col. 9, lines 35-39, which mentions that this system may be used with vending or gaming machines.

Both Deaville and Fukatsu are considered analogous art because they both concern currency handling and currency cassettes.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used Deaville's card access system to provide an operator with access to a portable cassette.

The suggestion/motivation would have been to secure the currency handling system as well as to track and manage multiple cassettes and currency handling machines. See Deaville, col. 2, lines 50-65.

14. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukatsu in view of Wells (US 5,330,185).

Fukatsu discloses the system described above. Fukatsu does not expressly disclose, but Wells discloses a gaming card vending machine (see figure 1) having card dispensing port (25, 27, 29, 33, 35 and 37), payment means (41) allowing payment by bills, coins or credit.

Both Fukatsu and Wells are considered analogous art because they both concern currency handling.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have replaced Fukatsu's ATMs with game card vending machines having game card dispensing ports.

The suggestion/motivation would have been to manage distribution of currency to and from various cash transaction systems. See Fukatsu, col. 1, lines 10-15.

Official notice is taken that Wells' gaming card vending machine would have had a currency discriminator and a currency cassette since it is well-known to handle currency using a discriminator to validate currency according to its genuineness and to store currency in a storage area after discrimination.

### ***Response to Arguments***

15. Applicant's arguments filed 4/6/06 have been fully considered but they are not persuasive. Applicant asserts that Fukatsu's robot transports cash receptacles, Fukatsu does not apply to Applicant's claims. However, as discussed above, it is considered to be inherent that a person can transport Fukatsu's cash receptacles as well as Fukatsu's robot.

Regarding Davis, note that Davis is used for its teaching of using a closable shutter mechanism that is tripped upon a detected anomaly. The term portable can be construed to encompass the movement of something "capable of being carried", as Applicant has pointed out in the recent response. Even a container bolted to a superstructure becomes portable when the bolts are removed, and therefore can be construed as a portable container. Whether or not Davis' device is portable does not bear on the issue as to the use of this teaching with Fukatsu's receptacles.

Anderson applies to Applicant's claims as discussed above. The fact that an RFID device is used by Anderson does not prevent it from being read on the claims. In fact, such an RFID device as taught by Anderson is construed as reading on Applicant's anomaly detection devices.

Newly cited Blad teaches further anomaly detection devices not taught by Anderson.

Therefore, Claims 1-48 remain rejected.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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September 20, 2006



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